

The increase was included in both the Sarbanes bill here in the Senate and in the House-passed H.R. 3764. But now we are learning that the White House doesn't want to fund the full authorization and is ready to propose nearly a third less than that. That is outrageous and I think the public should pay attention to this issue. Unless the authorization is funded it is meaningless. Meaningless, Mr. President, a hollow position crafted for an age of thirty second sound bites. The public should not allow this to go on.

Congress should fund the priorities we have authorized. That is why I oppose the long-term continuing resolution.

CYPRUS' MEMBERSHIP TO THE EUROPEAN UNION

Ms. SNOWE. Mr. President, the Senate has recently passed by unanimous consent a resolution, S. Con. Res. 122, that I, along with Senators BIDEN and SARBANES introduced expressing support for Cyprus' membership in the European Union, EU. This is a timely and significant statement of support for the Senate to make on the cusp of Cyprus' membership and I would like to thank Senators BIDEN and SARBANES for their efforts toward achieving the passage of S. Con. Res. 122.

Just this past month, Cyprus moved yet another step closer to its goal of EU membership. At the end of October, the 15 European nations met in Brussels and endorsed the recommendations of the European Commission that Cyprus and nine other countries become EU members in 2004. It was agreed that Cyprus had fulfilled the political criteria for accession and will be able to meet the economic criteria and assume the obligations of membership. It is expected that an official invitation for membership will be expanded this December, with accession in 2004.

The EU countries did reaffirm the call for continuing efforts by President Clerides and Turkish-Cypriots to work toward a solution to the Cyprus problem by the end of the year. However, as was stated at the Helsinki Summit in 1999, such a solution is not a precondition for Cyprus' membership.

After 27 years Cyprus remains a divided nation. However, as an EU member, the entire island of Cyprus will see economic benefits. All Cypriots will have access to new markets, a freer exchange of goods and services, balanced and sustainable development as well as the free movement of persons, goods and services, and capital.

But EU membership is not only about economic prosperity it is also about human rights. The EU guarantees citizens of its members human, legal and civil rights as well as the means and legal recourse necessary to secure the full application of these fundamental individual rights.

Moreover, Cyprus' EU membership will be, and has been, a catalyst for the solution to the Cyprus problem as the mere prospect of membership has already yielded progress. That Cypriot President Clerides and Turkish-Cypriot leader Denktash have been meeting

since January in direct talks to seek a resolution of the division of Cyprus is seen as evidence of the positive leverage exacted by expected EU accession.

As a result of these continuous meetings, other international efforts have occurred such as the recent submission by the U.N. Secretary General of a comprehensive proposal for the solution of the Cyprus problem. If it were not for Turkey's desire to also be an EU member knowing that other EU members could block this goal it is questionable whether these talks would even be taking place. That, along with improved economic prosperity and guaranteed human rights, is why it was vital that the Senate go on record as supporting Cyprus' EU membership.

INDIAN TRUST FUNDS MANAGEMENT

Mr. MCCAIN. Mr. President, I would like to make a brief statement for the RECORD regarding an issue of significant importance to me, and that is the fiduciary and trust responsibility of the United States toward Native Americans for management of trust assets and trust funds.

Earlier this year, I introduced S. 2212, the Indian Trust Asset and Trust Fund Management and Reform Act of 2002. This legislation would have amended the 1994 American Indian Trust Fund Management Reform Act to initiate further reform of the administration and management of the assets and funds held by the United States in trust for federally recognized Indian tribes and individual Indians. I was pleased to be joined in this effort by my distinguished colleagues, the two Senators from South Dakota, Mr. DASCHLE and Mr. JOHNSON, and I appreciate the time and effort they have expended as we have tried to move the bill toward enactment.

I also thank the chairman of the Committee on Indian Affairs, Senator INOUE, for holding a hearing on S. 2212 in July. As a result of the testimony received in the hearing and the comments from many of the Indian tribes that would be affected by this legislation, we developed an amendment in the nature of a substitute which significantly improved the original bill. Many tribal leaders shared comments and offered recommendations to us in the process and were grateful for their efforts.

By sponsoring this legislation, Senators DASCHLE, JOHNSON, and I intended to express congressional support and provide direction for reform of the Federal Government's management of Indian trust funds and assets, which has for some time been subject to intense criticism and scrutiny by the Federal courts. High-level Government officials have been held in civil contempt twice by the U.S. District Court here in Washington, DC, for their abject breach of fiduciary duties as well as the continuing failure to comply with statutory mandates and court orders.

S. 2212 focused on two primary changes to the 1994 American Indian Trust Fund Management Reform Act, the underlying law governing Indian trust funds management. First, it would have created a single line of authority in the Interior Department by establishing a Deputy Secretary for Trust Management and Reform; and second, the bill would have strengthened provisions for Indian tribes and beneficiaries to directly manage or co-manage with the Interior Secretary trust funds and assets, based on successful self-determination policies.

Based on comments received from tribes, we amended S. 2212 to affirm the fiduciary standards to be applied to the management of Indian trust funds and assets, as well as to abolish the Office of Special Trustee and establish the Office of Trust Reform under the new Deputy Secretary. The Advisory Committee to the Special Trustee would have been replaced with a task force composed of representatives of the tribes and the Department who would work with the new Deputy Secretary to develop recommendations for further necessary changes to the laws governing the management of trust assets and trust funds.

The changes represented in S. 2212 were modest, but important. It could have formed the basis for a stronger partnership between the tribal beneficiaries and the Interior Department, instituting congressional requirements for development of consensus policies governing trust standards and additional management reforms. Such a partnership would have set the Department and the tribes on a course toward resolution of the problems that have plagued the management of the trust funds and assets for more than a century.

Unfortunately, we are at the end of the 107th Congress and no further action will be taken on S. 2212. A sufficient consensus could not be reached among the tribes as well as between the tribes and the Department of the Interior to allow us to move forward to enact the bill. By failing to enact legislation like S. 2212 this year, the Congress is not fulfilling its responsibility to the Indian tribes and individuals who have suffered from decades of Federal mismanagement.

For most of this year, tribal representatives have been working on a range of possible reforms through a special task force established by Secretary Norton after the tribes resoundingly rejected her administrative reform proposal during 2001. Despite the efforts of the tribes, the discussions with the Interior Department culminated in an impasse and an end to the Department's participation in the task force.

The Department's latest action is unfortunate, but it is certainly not the first time the tribes and the Department have been unable to agree. It should not pose an insurmountable hurdle for the Congress to act. In fact,

it merely adds impetus to the need for amendments to the 1994 act, particularly to ensure through legislative language that the Interior Department would be required to consult and work with the affected beneficiaries on any reforms or changes to its management. Court requirements may now compel the Interior Department to once again develop its own management reforms without the consultation or agreement of the affected beneficiaries.

The sponsors of S. 2212 were told that we shouldn't act on this legislation in this session because of the lack of agreement between the tribes and the Department of the Interior. At the same time, several efforts ensued by the Department and some tribal representatives to add legislative riders to appropriations bills or other must-pass legislation. These were efforts I could not support as I continue to abide by the principle of legislating through the open processes of the Congress.

It is certainly true that no one fully agreed with everything in S. 2212. That fact suggests to me that the bill deserved our full and fair consideration because it represented a balanced approach. S. 2212 was intended to foster a process of further reform in the years ahead and not to impose some sort of "quick fix" or "final remedy" that is not fully embraced by all interested and affected parties.

Senators DASCHLE, JOHNSON, and I worked very hard to achieve consensus on S. 2212 and while we garnered significant tribal support for this legislative remedy, we abided by the wishes of the tribal task force leadership to withhold from further action on the bill. Without legislative reform this year, I am very much concerned that trust duties will effectively be redefined and reassigned by the courts and the Department without the input or approval of the Congress and the affected beneficiaries.

I have no doubt that the Congress will be urged to act again in the 108th Congress as the matter of trust fund management will continue to require legislative review and reform. I believe a significant opportunity may have been lost by not enacting S. 2212, but I remain committed to ensure that the Federal Government's responsibility to the individual and tribal beneficiaries will be fulfilled.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 16, 2002 in Atlanta, GA. According to police, Michael Keith Barger on intentionally hit

Keishuna Young, 15, with his car because she is black. Barger on yelled racial slurs at Keishuna and her friend as he drove by in his car. Seconds later, he turned around and tried to ram her with his car. Keishuna sustained multiple injuries when she rolled off the car onto the pavement.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO SENATOR PAUL WELLSTONE

Mr. AKAKA. Mr. President, as the 107th Congress nears its conclusion, I rise to join my colleagues in remembering our beloved colleague, Senator Paul Wellstone. Our thoughts and prayers are with the Wellstone family, Paul's staff, and the people of Minnesota. We are all saddened by the tragic deaths of Paul and Sheila Wellstone, their daughter, Marcia Wellstone Markuson, and the Wellstone staffers and pilots.

America will sorely miss Paul Wellstone and his passionate advocacy on behalf of those in our communities and our country who too often feel that no one in Washington hears their voice. Paul Wellstone was their voice, he was their champion, driven by his unwavering conviction that government can and should be a force for good in people's lives. Paul was a caring, persistent, and passionate advocate for veterans, children, the mentally ill, and working families. He was committed to ensuring that all Americans had the opportunity to make a better life for themselves and their families, and that wherever possible, government act as a positive instrument to advance opportunity and equality for all Americans in education, job training, access to health care, and the availability of quality health care. He was driven by his commitment to civil rights and equal justice. Whether speaking on the Senate floor or to a workers' rally, retracing Robert F. Kennedy's tour of America's poorest communities, or visiting veterans hospitalized in Minnesota, Paul lived his convictions and values. Whether you agreed or disagreed with Paul Wellstone on an issue, there was never any doubt about his integrity, the passion and commitment he brought to his work, and the deep pride he felt in serving the people of Minnesota in the Senate.

Paul and I were both first elected to the Senate in November 1990. I had been appointed to the Senate a few months earlier, but we were both the new kids on the block. From the outset, with his incandescent personality, exacting integrity, commitment to the values he espoused and the ability to

speak passionately and eloquently about the issues he cared so deeply about Paul distinguished himself as an exceptional Senator and an extraordinary human being.

Over the course of his tenure in the Senate, Paul became a dear friend. Because of the chronic discomfort he experienced as a consequence of his lifetime love of the sport of wrestling, he was interested in my experiences with hip replacement surgery. At the start of the 107th Congress, our offices were next to one another. His boundless energy, enthusiasm, and good spirits were always welcome and brightened the day for everyone he greeted on his way to and from his office. I remember one conversation on a long bus ride back from a Democratic retreat in Pennsylvania. My eldest son, Danny, had joined Millie and me for the weekend, and he struck up a quick friendship with Paul and Sheila. Over the course of ride back to Washington, we discussed philosophy and politics, the upcoming midterm elections, destiny, and the power of living in consonance with your values and beliefs. I listened as Paul and my son agreed on the importance of living life to the fullest and living every day as if it is your last. That day stays with me because that is precisely the way Paul Wellstone lived his life. He celebrated life. He loved his job and his constituents. He adored Sheila and his children and grandchildren. He always made the time to greet, talk to, or offer words of encouragement to everyone he encountered as he went about his day. To me, this is Paul's greatest legacy, the lives he touched, the people he inspired, the spirits he lifted with his message of hope and justice.

Paul had hoped to visit Hawaii after the November election and had spoken to my son Danny about bringing his entire family for some well-deserved rest and relaxation. Paul and Sheila never had the opportunity to visit Hawaii with their children and grandchildren as we talked about, but they truly lived aloha. For aloha is love. And love is the spirit that brings people together in harmony. In its true sense, aloha has to be transmitted to others, especially to each other, and aloha really is in the giving, not the taking. When you give, you are sharing aloha. This is how Paul and Sheila Wellstone lived their lives and it is why we in the Senate family miss Paul and Sheila terribly. I want to bid Paul and Sheila Wellstone a fond aloha. May God bless them and the Wellstone family. Na Iehowa 'oe e ho'omaika'i mai, a e malama mai—The Lord bless you and keep you.

Mrs. LINCOLN. Mr. President, I appreciate this opportunity to add my voice to those who have spoken in honor of our late colleague Senator Paul Wellstone.

In the 4 years we served together, Paul and I didn't always vote the same way. But we shared the most important value of all: We wanted to do best for the people who sent us to the Senate to represent them. On a full range